

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ELIZABETH TROIANI, individually and on
behalf of her minor son, PAUL ANTHONY
-HART

Plaintiffs,

v.

CITY OF SOMERVILLE, CHIEF DONALD
CALIGURI, CAPTAIN DANIEL MATTHEWS,
SERGEANT JOHN AUFIERO, DANIEL F.
REGO, JAMES McNALLY, ANTHONY)
MANZELLI, THOMAS LEYNE and JOHN)
DOE(S)

CIVIL ACTION NO.
#04-10639-NMG

MOTION TO EXCUSE DEFENSE COUNSEL'S
ATTENDANCE AT DAY 2 OF MEDIATION

Now comes counsel for the defendants, Daniel Matthews, Anthony Manzelli, Daniel Rego and James McNally and Thomas Leyne, and moves to excuse his attendance at the mediation (Day 2) scheduled for November 18, 2005 at 10:00 a.m. before the Honorable Magistrate Judge Bowler. As grounds therefor, counsel states:

1. He is scheduled to cover two depositions in Springfield, Massachusetts of out of state defendants who are traveling from Maine and Virginia. Counsel originally assigned to the case has a conflict and cannot attend.
2. The defendants, Daniel Matthews, Anthony Manzelli, Daniel Rego, Thomas Leyne and James McNally are employees of the City of Somerville and any resolution of the claim through mediation would be by monies from the City of Somerville. Counsel for the City of Somerville and the City Solicitor will be present at the mediation with full settlement authority.
3. Counsel for the defendants, Daniel Matthews, Anthony Manzelli, Daniel Rego, Thomas Leyne and James McNally will be available if required, by telephone conference. (617) 548-6758.
4. Counsel for the plaintiff has been advised of the instant motion and has no objection to the requested relief.

Wherefor, the counsel for the defendants, Daniel Matthews, Anthony Manzelli, Daniel Rego, Thomas Leyne and James McNally, respectfully requests that he be excused from Day 2 of the mediation before the Honorable Magistrate Judge Bowler.

Defendants, Daniel Rego, James McNally,
Anthony Manzelli, Daniel Matthews and
Thomas Leyne.
by their attorneys,

/s/ James W. Simpson, Jr.
Douglas I. Louison BBO# 545191
James W. Simpson, Jr. BBO#634344
MERRICK, LOUISON & COSTELLO, LLP
67 Batterymarch Street
Boston, MA 02110
(617) 439-0305

CERTIFICATE OF SERVICE

I, James W. Simpson, Jr., certify that on the 17th day of November 2005, I served the foregoing electronically to Michael C. Donahue, Esq., Michael C. Donahue, P.C., P.O. Box 610 South Easton, MA 02375-0610 and David Shapiro, Assistant City Solicitor, Assistant City Solicitor, Somerville City Hall, 93 Highland Avenue, Somerville, MA 02143.

/s/ James W. Simpson, Jr.
James W. Simpson, Jr.